

Unshackled Slaves: An Analysis of the Adjudication of Degrading Conditions of Work by Brazilian Labour Courts

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Abstract : In recent years, modern slavery has increasingly gathered attention in scholarly discussions and policy debates. Whereas the mainstream studies focus on forced labour and trafficking, little attention is paid to other forms of exploitation, such as degrading conditions of work -criminalised in Brazil as an autonomous type of slavery since 2003. This paper aims to bridge this gap. It adopts a mixed method that comprises both qualitative and quantitative analysis, to investigate the adjudication of 164 cases of degrading conditions of work by Brazilian labour courts. The research discloses an ungrounded reluctance to apply the domestic legal framework, as in most of the cases degrading conditions of work are not recognised as contemporary slavery, despite the law. In some cases, not even situations described as subhuman and degrading of human dignity were framed as slavery. The analysis also suggests that, as in chattel times, lack of freedom and subjection remain relevant in the legal characterisation of slave labour. The examination has further unraveled a phenomenon absent in previous studies: normalisation of precarity. By depicting precarity as natural and inevitable in rural areas, labour courts ensure conformity to the status quo and reduce the likelihood of resistance by victims. Moreover, compensations afforded to urban workers are higher than granted to rural employees, which seems to place human beings in hierarchical categories -a trace of colonialism. In sum, the findings challenge the worldwide spread assumption that Brazil addresses slavery efficiently. Conversely, the Brazilian Labour Judiciary seems to remain subservient to a colonial perspective of slavery, legitimising, and sanctioning abusive practices.

Keywords : adjudication, contemporary slavery, degrading conditions of work, normalisation of precarity

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